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1
2 UNITED STATES DISTRICT COURT

3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

4 HASTINGS COLLEGE OF THE LAW, a
5 public trust and institution of higher
6 education duly organized under the
7 laws and the Constitution of the
8 State of California;

9 FALLON VICTORIA, an individual;

10 RENE DENIS, an individual;

11 TENDERLOIN MERCHANTS AND

12 PROPERTY ASSOCIATION, a

13 business association;

14 RANDY HUGHES, an individual; and

15 KRISTEN VILLALOBOS, an individual,

16
17 Plaintiffs,

18 v.

19 CITY AND COUNTY OF SAN

20 FRANCISCO, a municipal entity,

21
22 Defendant.

Case No. 4:20-cv-03033-JST

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT**

1 The parties submit this Joint Case Management Statement for the Case
2 Management Conference Statement scheduled for 10:00 a.m. on Wednesday, August
3 26, 2020.

4 **Plaintiffs' position:**

5 Plaintiffs agree with the City and the Intervenors that it would be
6 appropriate to reschedule the CMC until such time as the City has completed its
7 consideration of the stipulated injunction.
8

9 **The City's Position:**

10 This case is stayed pursuant to an order of this court while awaiting Board of
11 Supervisors approval of the Stipulated Injunction. On August 18, 2020, Board of
12 Supervisors passed the Ordinance approving the Stipulated Injunction on the
13 Board's first reading. The Board of Supervisors is scheduled to consider the
14 Ordinance again on August 25, 2020. If the Board approves the Ordinance at that
15 time, the Ordinance will go to the Mayor for her signature. Given that the Board is
16 still considering the Stipulated Injunction, the City requests that the Court continue
17 the CMC until after September 15, 2020, by which time the parties expect that the
18 Board and Mayor will have completed their consideration of the Stipulated
19 Injunction.
20

21 In the meantime, the City continues to execute its obligations under the
22 Injunction. As of July 10, 2020, the City had fulfilled its obligation of reducing the
23 tent count by 70%. Since June 10, 2020 the City offered alternative sleeping options
24 to 546 people within the Tenderloin. 472 people were relocated to hotels, 81 to safe
25 sleeping sites, and 10 were placed in shelters. In doing so, the City has
26 accommodated persons with disabilities who were unsheltered in the Tenderloin.
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1 The City has received a Settlement Proposal from the Intervenor and is
2 preparing a response. While the City disagrees with many of the factual assertions
3 in the Intervenor's statement below, the City agrees that continuing the CMC to a
4 later date will provide Intervenor and the City an opportunity to meet and confer
5 regarding these outstanding issues, and to hopefully resolve Intervenor's claims.

6
7 **The Intervenor's Position:**

8 Intervenor stipulate to continuing the CMC to a later date to allow for the
9 Board of Supervisors to vote on the Stipulated Injunction and to allow for
10 Intervenor and Defendant City and County of San Francisco (hereinafter "the City")
11 to try to resolve all of Intervenor's outstanding claims.

12 On August 14, 2020, Intervenor sent a Settlement Proposal to the City in an
13 attempt to reach an agreement on all outstanding issues. Intervenor are waiting for
14 the City's response.

15 Per the Stipulated Injunction, "After July 20, 2020, the City will make all
16 reasonable efforts to achieve the shared goal of permanently reducing the number of
17 tents, along with all other encamping materials and related personal property, to
18 zero." Injunction at 7:22-25. Currently, it is unclear what the City's plan is for
19 persons placed in hotels or Safe Sleeping Sites/Villages at the conclusion of this
20 litigation or how it will reduce the number of tents in the Tenderloin to zero.

21 In its implementation of the agreement, the City required many unsheltered
22 individuals to surrender their property that exceeded the City's two bag limit to
23 receive a placement. Many unsheltered individuals had to forego their tents,
24 survival gear, and other essential items. As a result, people experiencing
25 homelessness have fewer possessions and necessary items to survive on the street
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1 than they had before the City removing them from the street and placing them into
2 hotels or Safe Sleeping Sites/Villages. The City must have a plan to avoid leaving
3 persons in a worse position than they were before the City took action to remove
4 unsheltered individuals from the streets.

5 To comply with the agreement, the City also has increased efforts to move
6 additional people into congregate shelters, which is not currently recommended by
7 the Centers for Disease Control. Intervenor's hope to reach an agreement to ensure
8 that these placements are safe. There are other outstanding issues related to
9 property confiscation, coordinated entry, and safe and adequate conditions in the
10 City's current placements, particularly those in Safe Sleeping Sites and congregate
11 shelter.

12 Continuing the CMC to a later date will provide Intervenor and the City an
13 opportunity to meet and confer regarding these outstanding issues, and to hopefully
14 settle Intervenor's claims.
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1
2
3 Dated: August 19, 2020

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